

EPA-Approved Regulations for Idaho Department of Environmental Quality

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

SECTION 58.01.01.404. PROCEDURE FOR ISSUING PERMITS

01. General Procedures. General procedures for Tier II operating permits. (5-1-94)

- a. Within thirty (30) days after receipt of the application for a Tier II operating permit, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)
- b. Within sixty (60) days after the application is determined to be complete the Department shall:
 - i. Notify the applicant in writing of the approval, conditional approval, or denial of the application if an opportunity for public comment is not required pursuant to Subsection 404.01.c. The Department shall set forth reasons for any denial; or (5-1-94)
 - ii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)
- c. An opportunity for public comment shall be provided on an application for any Tier II operating permit pursuant to Subsection 401.01, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516 and any other application which the Director determines an opportunity for public comment should be provided. (5-1-94)
 - i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)
 - ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)
 - iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)
 - iv. There shall be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department. (5-1-94)
 - v. After consideration of comments and any additional information submitted during

the comment period, and within forty-five (45) days after initial publication of the notice, unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)

vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)

d. A copy of each proposed and final permit will be sent to the U.S. Environmental Protection Agency. (4-5-00)

02. Specific Procedures. Procedures for Tier II operating permits required by the Department under Subsection 401.03. (5-1-94)

a. The Director shall send a notification to the proposed permittee by registered mail of his intention to issue a Tier II operating permit for the facility concerned. The notification shall contain a copy of the proposed permit in draft form stating the proposed emission standards and any required action, with corresponding dates, which must be taken by the proposed permittee in order to achieve or maintain compliance with the proposed Tier II operating permit. (5-1-94)

b. The Department's proposed Tier II operating permit shall be made available to the public in at least one (1) location in the region in which the facility is located. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the facility is located. A copy of such notice shall be sent to the applicant. There shall be a thirty (30) day period after publication for comment on the Department's proposed Tier II operating permit. Such comment shall be made in writing to the Department. (5-1-94)

c. A public hearing will be scheduled to consider the standards and limitations contained in the proposed Tier II operating permit if the proposed permittee files a request therefor with the Department within ten (10) days of receipt of the notification, or if the Director determines that there is good cause to hold a hearing. (5-1-94)

d. After consideration of comments and any additional information submitted during the comment period or at any public hearing, the Director shall render a final decision upon the proposed Tier II operating permit within thirty (30) days of the close of the comment period or hearing. At this time the Director may adopt the entire Tier II operating permit as originally proposed or any part or modification thereof. (5-1-94)

e. All comments and additional information received during the comment period, together with the Department's final permit, shall be made available to the public at the same location as the proposed Tier II operating permit. (5-1-94)

03. Availability Of Fluid Models And Field Studies. The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

04. Permit Revision Or Renewal. The Director may approve a revision of any Tier II operating permit or renewal of any Tier II operating permit provided the stationary source or facility continues to meet all applicable requirements of Sections 400 through 406. Revised permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsection 404.01.c. shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. Renewed Tier II operating permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsections 404.01.c., and 404.02.b. through 404.02.e. shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. The expiration of a permit will not affect the operation of a stationary source or a facility during the administrative procedure period associated with the permit renewal process. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.405. CONDITIONS FOR TIER II OPERATING PERMITS

01. Reasonable Conditions. The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with:

- a. Sampling ports of a size, number, and location as the Department may require;
- b. Safe access to each port;
- c. Instrumentation to monitor and record emissions data;
- d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and
- e. Any other sampling and testing facilities as may be deemed reasonably necessary.

02. Performance Tests. Any performance tests required by the permit shall be performed in accordance with methods and under operating conditions approved by the Department. The owner or operator shall furnish to the Department a written report of the results of such performance test.

- a. Such test shall be at the expense of the owner or operator.
- b. The Department may monitor such test and may also conduct performance tests.
- c. The owner or operator of a stationary source or facility shall provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present.

03. Permit Term. Tier II operating permits shall be issued for a period not to exceed five (5) years. This five (5) year operating permit restriction does not apply to the provisions contained in Section 461.02 (banked emission reduction credits).

04. Single Tier II Operating Permit. When a facility includes more than one (1) stationary source or emissions unit, a single Tier II operating permit may be issued including all stationary sources and emissions units located at that facility. Such Tier II operating permit shall separately identify each stationary source and emissions unit to which the Tier II operating permit applies. When a single stationary source or facility is subject to permit modification, suspension or revocation, such action by the Director shall only affect that individual stationary source or emissions unit without thereby affecting any other stationary source or emissions unit subject to that Tier II operating permit.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.406. OBLIGATION TO COMPLY

Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.460. REQUIREMENTS FOR EMISSION REDUCTION CREDIT

In order to be credited in a permit to construct, Tier I operating permit or Tier II operating permit any emission reduction must satisfy the following: (5-1-94)

01. Allowable Emissions. The proposed level of allowable emissions must be less than the actual emissions of the stationary source(s) or emission unit(s) providing the emission reduction credit. No emission reduction(s) can be credited for actual emissions which exceed the allowable emissions of the stationary source(s) or emission unit(s). (5-1-94)

02. Timing Of Emission Reduction. In an attainment or unclassifiable area any emission reduction which occurs prior to the minor source baseline date must have been banked with the Department prior to the minor source baseline date in order to be credited; in a nonattainment area the emission reduction must occur after the base year of any control strategy for the particular regulated air pollutant. (4-5-00)

03. Emission Rate Calculation. The emission rate before and after the reduction must be calculated using the same method and averaging time and the characteristics necessary to evaluate any future use of the emission reduction credit must be described. (5-1-94)

04. Permit Issuance. A permit to construct, Tier I operating permit or Tier II operating permit shall be issued which establishes a new emission standard for the facility, or restricts the operating rate, hours of operation, or the type or amount of material combusted, stored or processed for the stationary source(s) or emission unit(s) providing the emission reductions. (4-5-00)

05. Imposed Reductions. Emission reductions imposed by local, state or federal regulations or permits shall not be allowed for emission reduction credits. (5-1-94)

06. Mobile Sources. The proposed level of allowable emissions must be less than the actual emissions of the mobile sources or stationary sources providing the emission reduction credit. Mobile source emission reduction credits shall be made state or federally enforceable by SIP revision. The form of the SIP revision may be a state or local regulation, operating permit condition, consent or enforcement order, or any mechanism available to the state that is enforceable.(4-5-00)

EPA Effective: 2/18/2003

SECTION 58.01.01.461. REQUIREMENTS FOR BANKING EMISSION REDUCTION CREDITS (ERC'S)

01. Application To Bank An ERC. The owner or operator of any facility may apply to the Department for a Tier I or Tier II operating permit (or a revision thereto) to bank an emission reduction credit. An application to bank an emission reduction credit must be received by the Department no later than one (1) year after the reduction occurs. The Department may issue or revise such a Tier I or Tier II operating permit and a "Certificate of Ownership" for an emission reduction credit, provided that all emission reductions satisfy the requirements for emission reduction credits (Section 460). (5-1-94)

02. Banking Period. Emission reduction credits may be banked with the Department. The banked emission reduction credits may be used for offsets, netting in accordance with the definition of net emissions increase at Section 007, or alternative emission limits (bubbles), or sold to other facilities. The use of banked emission reduction credits must satisfy the applicable requirements of the program in which they are proposed for use, including approval of a permit to construct or a Tier I or Tier II operating permit. (4-5-00)

03. Certificate Of Ownership. Upon issuing or revising a Tier I or Tier II operating permit for an emission reduction credit, the Department will issue a "Certificate of Ownership" which will identify the owner of the credits, quantify the credited emission reduction and describe the characteristics of the emissions which were reduced and emissions unit(s) which previously emitted them. (5-1-94)

04. Adjustment By Department. If at any time the Department, or the owner or operator of a facility which has produced an emission reduction credit, finds that the actual reduction in emissions differs from that in the certificate of ownership, the Department will adjust the amount of banked emission reduction credits to reflect the actual emission reduction and issue a revised certificate of ownership. (5-1-94)

05. Proportional Discounts. If at any time the Department finds that additional emission reductions are necessary to attain and maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment, banked emission reduction credits at facilities in the affected area may be proportionally discounted by an amount which will not exceed the percentage of emission reduction required for that area. (4-5-00)

06. Transfer Of Ownership. Whenever the holder of a certificate of ownership for banked emission reduction credits, sells or otherwise transfers ownership of all or part of the banked credits, the holder shall submit the certificate of ownership to the Department. The Department will issue a revised certificate(s) of ownership which reflects the old and new holder(s) and

amount(s) of banked emission reduction credits. (5-1-94)

07. Public Registry. The Department will maintain a public registry of all banked emissions reduction credits, indicating the current holder of each certificate of ownership and the amount and type of credited emissions. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.470. PERMIT APPLICATION FEES FOR TIER II PERMITS

Any person applying for a Tier II permit shall pay a permit application fee of five hundred dollars (\$500) for each permit requested or amended.

State Effective: 3/7/95, EPA Effective: 2/18/2003

SECTION 58.01.01.500 REGISTRATION PROCEDURES AND REQUIREMENTS FOR PORTABLE EQUIPMENT

01. Registration Requirements. All existing portable equipment shall be registered within ninety (90) days after the original effective date of this Section 500 and at least ten (10) days prior to relocating, using forms provided by the Department, except that no registration is required for mobile internal combustion engines, marine installations and locomotives.

02. Compliance With Rules And Regulations. Possessing a “Certificate of Registration” does not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.510 STACK HEIGHTS AND DISPERSION TECHNIQUES

The purpose of Sections 510 through 516 is to establish criteria for good engineering practice for stack heights and dispersion techniques.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.511. APPLICABILITY

The provisions of Sections 500 through 516 shall apply to existing, new, and modified stationary sources and facilities. The provisions of Sections 500 through 516 do not apply to stack heights in existence, or dispersion techniques implemented, on or before December 31, 1970, except where regulated air pollutant(s) are being emitted from such stacks or using such dispersion techniques by sources which were constructed, or reconstructed, or for which major modifications were carried out, after December 31, 1970.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.512. DEFINITIONS

For the purpose of Sections 500 through 516: (5-1-94)

01. Dispersion Technique. Any technique which attempts to affect the concentration of a regulated air pollutant in the ambient air by: (4-5-00)

- a. Using that portion of a stack which exceeds good engineering practice stack height; (5-1-94)

b. Varying the rate of emission of a regulated air pollutant according to atmospheric conditions or ambient concentrations of that regulated air pollutant; or (4-5-00)

c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; smoke management in agricultural or silvicultural prescribed burning programs; episodic restrictions on residential woodburning and open burning; techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed five thousand (5,000) tons per year; or the merging of exhaust gas streams where: (5-1-94)

i. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; (5-1-94)

ii. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a regulated air pollutant. This exclusion from the definition of “dispersion techniques” shall apply only to the emission limitation for the regulated air pollutant affected by such change in operation; or (4-5-00)

iii. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source. (5-1-94)

02. Excessive Concentration. For the purpose of determining good engineering practice stack height in a fluid modeling evaluation or field study as provided for in Subsection 512.03.c. “Excessive Concentration” means: (5-1-94)

a. For sources seeking credit for stack height exceeding that established under Subsection 512.03.b., a maximum ground level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such effects, and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program, an excessive concentration alternatively means a maximum ground-level concentration due

to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under Subsection 512.02.a., shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Department, an alternative emission rate shall be established in consultation with the source owner or operator. (5-1-94)

b. For sources seeking credit after October 1, 1983, for increases in existing stack heights up to the heights established under Subsection 512.03.b., either: (5-1-94)

i. A maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects as provided in Subsection 512.02.a., except that the emission rate specified by any applicable SIP or, in the absence of such a limit, the actual emission rate shall be used; or (5-1-94)

ii. The actual presence of a local nuisance caused by the existing stack as determined by the authority administering the Department. (5-1-94)

c. For sources seeking credit after January 12, 1979, for a stack height determined under Subsection 512.03.b., where the Department requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in Subsection 512.03.b., a maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects. (5-1-94)

03. Good Engineering Practice (GEP) Stack Height. The greater of: (5-1-94)

a. Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack; (5-1-94)

b. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required,

$$H = 2.5S$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation. For all other stacks provided that the Department may require the use of a field study or fluid model to verify GEP stack height for the source,

$$H = S + 1.5L$$

where: (5-1-94)

- i. H = good engineering practice stack height measured from the ground-level elevation at the base of the stack. (5-1-94)
 - ii. S = height of nearby structure(s) measured from the ground-level elevation at the base of the stack. (5-1-94)
 - iii. L = lesser dimension, height or projected width, of nearby structure(s). (5-1-94)
- c. The height demonstrated by a fluid model or a field study approved by the Department which ensures that the emissions from a stack do not result in excessive concentrations of any regulated air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain features. (4-5-00)

04. Nearby Structures Or Terrain Features. “Nearby” as applied to a specific structure or terrain feature under the definition of “good engineering practice stack height”; and (5-1-94)

- a. For purposes of applying the formulae provided under Subsection 512.03.b., means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile (0.8 km); and (5-1-94)
- b. For conducting demonstrations under Subsection 512.03.c., means not greater than one-half (0.5) mile (0.8 km), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if such feature achieves a height one-half (0.5) mile (0.8 km) from the stack that is at least forty percent (40%) of the GEP stack height determined by the formulae provided in Subsection 512.03.b., or twenty-six (26) meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack. (4-5-00)

05. Stack In Existence. The owner or operator had: (5-1-94)

- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or (5-1-94)
- b. Entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.513. REQUIREMENTS

The required degree of emission control of any regulated air pollutant shall not be affected by the amount of any stack height that exceeds good engineering practice (GEP) or by any other

dispersion technique.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.514. OPPORTUNITY FOR PUBLIC HEARING

Whenever a new or revised emission limitation is to be based on a good engineering practice stack height that exceeds the height allowed by the formulae in Subsections 512.03.a. and 512.03.b., the Department will notify the public of the availability of the demonstration study submitted under Subsection 512.03.c., and will provide an opportunity for public hearing on the demonstration study

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.515. APPROVAL OF FIELD STUDIES AND FLUID MODELS

Any field study or fluid model used to demonstrate GEP stack height under Subsection 512.03.b. or 512.03.c., and any determination of "excessive concentration" under Subsection 512.02 must be approved by the EPA prior to an emission limit being established. The construction of any new stack, or any increase to the height of any existing stack to the height determined by the formulae in Subsection 512.03.b., without completing a fluid model and a field study must be approved by the EPA.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.516. NO RESTRICTION ON ACTUAL STACK HEIGHT

The provisions of Sections 510 through 516 do not restrict, in any manner, the actual stack height of any stationary source or facility.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.550. AIR POLLUTION EMERGENCY RULE

The purpose of Sections 550 through 562 is to define criteria for an air pollution emergency, to formulate a plan for preventing or alleviating such an emergency, and to specify rules for carrying out the plan. The procedures for implementing Sections 550 through 562 are delineated in Chapter VI of the SIP.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.551. EPISODE CRITERIA

The purpose of Sections 551 through 556 is to establish criteria for stages of atmospheric stagnation and/or degraded air quality.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.552. STAGES

The Department has defined four (4) stages of atmospheric stagnation and/or degraded air quality. (5-1-94)

01. Stage 1 - Air Pollution Forecast And Caution. An internal watch by the Department shall be actuated by a National Weather Service report that an Atmospheric Stagnation Advisory has been issued, or the equivalent local forecast of stagnant atmospheric conditions. (3/15/02)

02. Stage 2 - Alert. This is the first stage at which air pollution control actions by industrial sources are to begin. (5-1-94)

03. Stage 3 - Warning. The warning stage indicates that air quality is further degraded and that control actions are necessary to maintain or improve air quality. (5-1-94)

04. Stage 4 - Emergency. The emergency stage indicates that air quality has degraded to a level that will substantially endanger the public health and that the most stringent control actions are necessary. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.553. EFFECT OF STAGES

Once an episode stage is reached or the Department determines that reaching a particular stage is imminent, emergency action corresponding to that stage will remain in effect until air quality measurements indicate that another stage (either lower or higher) has been attained. At such time, actions corresponding to the next stage will go into effect. This procedure will continue until the episode is terminated. The air quality criteria used to define each of the episode stages for carbon monoxide, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide are specified in Section 556. The levels will be determined by the Department through its analysis of meteorological and ambient air quality monitoring data.

State Effective: 3/15/02, EPA Effective: 2/18/2003

SECTION 58.01.01.556. CRITERIA FOR DEFINING LEVELS WITHIN STAGES

The air quality criteria defining each of these levels for carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particles with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (PM-10), particles with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers (PM-2.5), and sulfur dioxide (SO₂) are: (3-15-02)

01. Stage 1 - Forecast And Caution. A Stage 1 Forecast and Caution shall be declared by the Department when particulate concentrations or visibility attributable to particulate matter reaches, or is forecasted to reach, and continue, at or above the levels listed below. The Department may call a Stage 1 Forecast and Caution, if it determines, after evaluating the pertinent meteorology and weather conditions and source parameters such as source type, strength and projected duration, that a Stage 1 Forecast and Caution is required to protect the public health. (3-15-02)

a. Pollutant Levels.

<u>CO</u>	<u>NA</u>
<u>NO₂</u>	<u>NA</u>
<u>O₃</u>	<u>NA</u>
<u>SO₂</u>	<u>NA</u>
<u>PM-2.5</u>	<u>100 ug/m3 1 hour average</u>
<u>PM-2.5</u>	<u>50 ug/m3 24 hour average</u>
<u>PM-10</u>	<u>385 ug/m3 1 hour average</u>
<u>PM-10</u>	<u>150 mg/m3 24 hour average</u>

(3-15-02)

b. Visibility. When PM-10 or PM 2.5 monitoring readings are not available, the Department may declare a Stage 1 – Forecast and Caution: based on visibility readings according to the following scale:

<u>CO</u>	<u>NA</u>
<u>NO₂</u>	<u>NA</u>
<u>O₃</u>	<u>NA</u>
<u>SO₂</u>	<u>NA</u>
<u>PM</u>	<u>2.75 4.50 miles visibility</u>

(3-15-02)

02. Stage 2 - Alert.

CO - 17 mg/m3 (15 ppm)	8-hour average
NO ₂ - 1130 ug/m3 (0.6 ppm)	1-hour average
282 ug/m3 (0.15 ppm)	24-hour average
O ₃ - 400 ug/m3 (0.2 ppm)	1-hour average
PM-10 - 350 ug/m3	24-hour average
SO ₂ - 800 ug/m3 (0.3 ppm)	24-hour average

(4-5-00)

03. Stage 3 - Warning.

CO - 34 mg/m3 (30 ppm)	8-hour average
NO ₂ - 2260 ug/m3 (1.2 ppm),	1-hour average
565 ug/m3 (0.3 ppm)	24-hour average
O ₃ - 800 ug/m3 (0.4 ppm)	1-hour average
PM-10 - 420 ug/m3	24-hour average
SO ₂ - 1600 ug/m3 (0.6 ppm)	24-hour average

(4-5-00)

04. Stage 4 - Emergency.

CO - 46 mg/m3 (40 ppm)	8-hour average
NO ₂ - 3000 ug/m3 (1.6 ppm)	1-hour average
750 ug/m3 (0.4 ppm)	24-hour average
O ₃ - 1000 ug/m3 (0.5 ppm)	1-hour average
PM-10 - 500 ug/m3	24-hour average
SO ₂ - 2100 ug/m3 (0.8 ppm)	24-hour average

(4-5-00)

EPA Effective: 2/18/2003

SECTION 58.01.01.557. PUBLIC NOTIFICATION

The purpose of Sections 557 through 560 is to establish requirements for public notification regarding atmospheric stagnation and/or degraded air quality.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.558. INFORMATION TO BE GIVEN

01. Information To Be Given. On the basis of degrading air quality as determined by the Director, and the criteria for emergency episode stages as shown in Section 556, the Director will utilize appropriate news media to insure that the following information is announced to the public: (5-1-94)

- a. Definition of the extent of the problem; (5-1-94)
- b. Indication of the action taken by the Director; (5-1-94)
- c. Air pollution forecast for next few days; (5-1-94)
- d. Notice of when the next statement from the Department will be issued; (5-1-94)
- e. Listing of all general procedures which the public, commercial, institutional and industrial sectors are required to follow; (5-1-94)
- f. Specific warnings and advice to those persons who because of acute or chronic health problems, may be most susceptible to the effects of the episode. (3-15-02)

EPA Effective: 2/18/2003

SECTION 58.01.01.559. MANNER AND FREQUENCY OF NOTIFICATION

Such announcements will be made by the news media during regularly scheduled television and radio news broadcasts and in all editions of specified newspapers. In addition, when the stage 4 emergency level is reached, television and radio stations designated by the Department will repeat these announcements at one (1) hour intervals during normal broadcasting hours.

State Effective: 5/1/94, EPA Effective:

SECTION 58.01.01.560. NOTIFICATION TO SOURCES

The Department will assure that all significant sources of regulated air pollutant(s) are notified of the emergency stage by telephone or other appropriate means.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.561. GENERAL RULES

All persons in the designated stricken area shall be governed by the following rules for each emergency episode stage. The Director may waive one (1) or more of the required measures at each episode stage if, on the basis of information available to him, he judges that a measure is an inappropriate response to the specific episode conditions which then exist. (5-1-94)

01. Stage 1 - Air Pollution Forecast And Caution. There shall be no open burning of any kind. (3-15-02)

02. Stage 2 - Alert. (5-1-94)

- a. There shall be no open burning of any kind. (5-1-94)
- b. The use of burners and incinerators for the disposal of any form of solid waste shall be prohibited. (3-15-02)
- c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 pm (noon) and 4:00 p.m. (5-1-94)
- d. Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to switch to natural gas or distillate oil if available. (5-1-94)

03. Stage 3 - Warning. (5-1-94)

- a. There shall be no open burning of any kind. (5-1-94)
- b. The use of burners and incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited. (3-15-02)
- c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 pm (noon) and 4:00 p.m. (5-1-94)
- d. Commercial, industrial and institutional facilities utilizing coal or residual fuel are required to either: (5-1-94)

- i. Switch completely to natural gas or distillate oil; or (5-1-94)
- ii. If these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment. (5-1-94)

04. Stage 4 - Emergency. This will be called only with specific concurrence of Governor. (5- 1-94)

- a. There shall be no open burning of any kind. (5-1-94)
- b. The use of burners and incinerators for the disposal of any form of solid or liquid waste shall be prohibited. (3-15-02)
- c. All places of employment described below shall immediately cease operations: (5-1-94)
 - i. All mining and quarrying operations; (5-1-94)
 - ii. All construction work except that which must proceed to avoid injury to persons; (5-1-94)
 - iii. All manufacturing establishments except those required to have in force an air pollution emergency plan; (5-1-94)
 - iv. All wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food; (5-1-94)
 - v. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order; (5-1-94)
 - vi. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food; (5-1-94)
 - vii. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices; (5-1-94)
 - viii. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops; (5-1-94)

ix. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories; (5-1-94)

x. Automobile repair, automobile services, garages except those located adjacent to state or interstate highways; (5-1-94)

xi. Establishments rendering amusement and recreational services including motion picture theaters; (5-1-94)

xii. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries. (5-1-94)

d. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of regulated air pollutant(s) from their operation by ceasing, curtailing, or postponing operations which emit regulated air pollutants to the extent possible without causing injury to persons or damage to equipment. These actions include limiting boiler lancing or soot blowing operations for fuel burning equipment to between the hours of 12:00 pm (noon) and 4:00 p.m. (4-5-00)

e. When the emergency episode is declared for carbon monoxide, the use of motor vehicles is prohibited except in emergencies or with the approval of local or state police or the Department. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.562. SPECIFIC EMERGENCY EPISODE ABATEMENT PLANS FOR POINT SOURCES

In addition to the general rules presented in Section 561, the Department shall require that specific point sources adopt and implement their own Emergency Episode Abatement Plans in accordance with the criteria set forth in Sections 551 through 556. An individual plan can be revised periodically by the Department after consultation between the Department and the owners and/or operators of the source.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.563. TRANSPORTATION CONFORMITY

The purpose of Sections 563 through 574 is to adopt and implement Section 176(c) of the Clean Air Act (CAA), as amended [42 U.S.C. 7401 et seq.], and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects developed, funded, or approved by the United States Department of Transportation (USDOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). These sections set forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to Section 110 and Part D of the CAA. The publications referred to or incorporated by reference in Sections 563 through 574 are available from the IDEQ.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.564. INCORPORATION BY REFERENCE

With the exception of Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b), 40 CFR Part 93, Subpart A, Sections 93.100- 93.129, are incorporated by reference into these rules at Section 107 of these rules.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.565. ABBREVIATIONS

- 01.** CAA. Clean Air Act, as amended.
- 02.** CFR. Code of Federal Regulations.
- 03.** CO. Carbon Monoxide.
- 04.** EPA. Environmental Protection Agency.
- 05.** FHWA. Federal Highway Administration of USDOT.
- 06.** FTA. Federal Transit Administration of USDOT.
- 07.** HPMS. Highway Performance Monitoring System.
- 08.** ICC. Interagency Consultation Committee.
- 09.** IDEQ. Idaho Department of Environmental Quality.
- 10.** ITD. Idaho Transportation Department.
- 11.** LHTAC Local Highway Technical Assistance Council.
- 12.** LRTP. Long Range Transportation Plan.
- 13.** MPO. Metropolitan Planning Organization.
- 14.** NAAQS. National Ambient Air Quality Standards.
- 15.** NEPA. National Environmental Policy Act, as amended.
- 16.** O₃. Ozone.
- 17.** PM. Particulate matter.
- 18.** PM_x. Particles with an aerodynamic diameter less than or equal to a nominal X micrometers, where X denotes any size fraction number regulated by the NAAQs (e.g.: 10, 2.5).
- 19.** STIP. Statewide Transportation Improvement Program.

20. TCM. Transportation Control Measure.

21. TIP. Transportation Improvement Program.

22. USDOT. United States Department of Transportation.

23. VMT. Vehicle Miles Traveled.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.566. DEFINITIONS FOR THE PURPOSE OF SECTIONS 563 THROUGH 574 AND 582

Terms used but not defined in Sections 563 through 574 and 582 shall have the meaning given them by the CAA, Titles 23 and 49 U.S.C., other Environmental Protection Agency (EPA) regulations, or other USDOT regulations, in that order of priority. For the purpose of Sections 563 through 574 and 582:

01. Applicable Implementation Plan. Applicable Implementation Plan is defined in Section 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under Section 110 of the CAA, or promulgated under Section 110(c) of the CAA, or promulgated or approved pursuant to regulations promulgated under Section 301(d) of the CAA and which implements the relevant requirements of the CAA.

02. Consult Or Consultation. The lead agency confers with other ICC members and persons on the distribution list and considers their views prior to taking actions relating to transportation conformity. The lead agency shall distribute all appropriate information necessary to make a conformity determination and, prior to making a conformity determination, shall consider the views of such parties and shall provide a timely, written response to those views. Such views and written responses shall be included in the record of decision or action. Consultation shall not occur with respect to a transportation plan or transportation improvement program (TIP) revision that merely adds or exempts projects listed in 40 CFR 93.126.

03. Distribute. Make available relevant documents and information by electronic and manual means, whichever is more appropriate, to all ICC members and persons on the distribution list. Electronic distribution may include existing and future technological applications, such as electronic mail, internet web-site posting including downloadable files, or the use of an electronic mail reply system based on the distribution list. Manual distribution may include the United States Postal Service, the state internal mail system, a facsimile machine, or any commercially available mail service provider.

04. Distribution List. A list containing the names and addresses of ICC members and any person(s) expressing an interest in receiving information and material pertaining to ICC meetings. To express interest, a person may contact the lead agency by postal mail, electronic mail, telephone or in person, and inform the ICC member of their interest in being on the distribution list for information and material pertaining to ICC meetings.

05. Exempt Projects. Projects exempt from conformity requirements based on the general criteria of safety, mass transit, and other factors, as described in 40 CFR 93.126.

06. Lead Agency. The transportation or air quality agency responsible for conducting the consultation process, as identified in Subsections 568.01 through 568.03.

07. Lead Air Quality Agency. An agency designated pursuant to Section 174 of the CAA as responsible for developing an applicable implementation plan, or alternatively the agency designated by the Governor as the lead air quality agency for a county, region, or any jurisdiction.

08. Local Highway Jurisdiction. A county with jurisdiction over a highway system, a city with jurisdiction over a highway system, or a highway district, as defined by Section 40-113(3), Idaho Code.

09. Local Highway Technical Assistance Council (LHTAC). The public agency created in Chapter 24, Title 40, Idaho Code.

10. Maximum Priority.

a. All possible actions must be taken to shorten the time periods necessary to complete essential steps in TCM implementation - for example, by increasing the funding rate - even though timing of other projects may be affected. It is not permissible to have prospective discrepancies with the applicable implementation plan's TCM implementation schedule due to:

- i. Lack of funding in the TIP;
- ii. Lack of commitment to the project by the sponsoring agency;
- iii. Unreasonably long periods to complete future work due to lack of staff or other agency resources;
- iv. Lack of approval or consent by local governmental bodies; or
- v. Failure to have applied for a permit where necessary work preliminary to such application has been completed.

b. Where statewide and metropolitan funding resources, planning, and management capabilities are fully consumed within the flexibility of the Transportation Equity Act of 1998 (TEA-21), Pub. L. No. 105-178, 112 Stat 107, as amended by Pub. L. No. 105-206, 112 Stat 685, or future federal omnibus transportation funding bills, with responding to damage from natural disasters, civil unrest, or terrorist acts, TCM implementation can be determined to be timely without regard to the above, provided reasonable efforts are being made.

11. Metropolitan Planning Organization (MPO). The organization designated as being responsible, together with the State, for conducting the continuing cooperative and comprehensive transportation planning process under 23 U.S.C. 134 and 49 U.S.C. 5303 and 23 CFR 450. It is the forum for cooperative transportation decision-making.

12. Public Notice. Distribution of the meeting times, location, duration and agenda, to all the ICC members and persons on the distribution list.

13. Recipient Of Funds Designated Under Title 23 U.S.C. Or The Federal Transit Laws. Any agency at any level of state, county, city, or regional government that routinely receives Title 23 U.S.C. or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners, developers, contractors, or entities that are only paid for services or products created by their own employees.

14. Regionally Significant Project. A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including, at a minimum:

- a. All principal arterial highways;
- b. All fixed guideway transit facilities that offer an alternative to regional highway travel; and
- c. Any other facilities determined to be regionally significant through Section 570, interagency consultation.

15. Transportation Agency. The public agency responsible for one (1) or more of the following transportation modes:

- a. Air;
- b. Rail;
- c. Water;
- d. Highway;
- e. Bicycle and pedestrian paths; and
- f. Transit.

16. Transit Agency. Any agency involved in providing mass transportation services by bus, rail, or other conveyance providing general or special service to the public on a regular and continuing basis. The term “Transit Agency” does not include school buses or charter or sightseeing services.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.567. AGENCIES AFFECTED BY CONSULTATION

This Section identifies those agencies and other entities (federal, tribal, state and local) involved in the consultation process and those general actions requiring consultation.

01. Interagency Consultation Committee. A committee of representatives shall be formed in each nonattainment or maintenance area of the state, to convene on conformity determinations, as necessary, and shall be called the Interagency Consultation Committee (ICC) for that nonattainment or maintenance area. The ICC shall undertake consultation procedures, as applicable, in preparing for and before making conformity determinations in developing long-range transportation plans (LRTP), transportation improvement programs (TIP), and applicable implementation plans.

02. ICC Members. The ICC shall consist of the following agencies or entities, as applicable:

- a. A Metropolitan Planning Organization (MPO) where one exists;
- b. The Idaho Transportation Department (ITD);
- c. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) divisional office;
- d. The Idaho Department of Environmental Quality (IDEQ);
- e. Affected Local Highway Jurisdictions involved in transportation,
- f. Affected Transit agency(ies);
- g. The Local Highway Technical Assistance Council (LHTAC);
- h. Indian Tribal governments with transportation planning responsibilities; and
- i. The United States Environmental Protection Agency (EPA).

03. Agencies Entitled To Participate. Agencies which may be affected by the consultation process and which are entitled to participate in the consultation process include:

- a. Any local transit agency or provider, local highway jurisdiction, and any city or county transportation or air quality board or agency where the nonattainment or maintenance area is located; and
- b. Any other state or federal or tribal organization in the state responsible under state or federal law for developing, submitting or implementing transportation related provisions of

an implementation plan.

04. More Than One Pollutant. Areas that are nonattainment for more than one (1) pollutant may conduct consultation, as specified in this section, through a single committee for all pollutants.

05. Open To The Public. All meetings of the ICC shall be open to the public.

06. Delegation. An ICC member may delegate its role or responsibility in the consultation process to another entity pursuant to applicable state law. An ICC member making such delegation shall notify all other ICC members in writing when the delegation occurs. The written notice shall provide the name, address, and telephone number of one (1) or more contact persons representing the entity accepting the delegated role or responsibility.

07. General Actions Requiring Consultation. The ICC shall undertake the consultation process prior to the development of the following:

- a. The implementation plan(s), including the emission budget and list of TCMs in the applicable implementation plan(s), prepared by the lead air quality agency in a nonattainment or maintenance area;
- b. All other conformity determinations for transportation plans, projects, and programs; and
- c. Revisions to the preceding documents which may directly or indirectly affect conformity determinations.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.568. ICC MEMBER ROLES IN CONSULTATION

The lead agency as identified in this section is the ICC member responsible for initiating the consultation process, preparing the initial and final drafts of the document or decision, and assuring the adequacy of the consultation process for all conformity processes and procedures.

01. Designated Lead Air Quality Agency. IDEQ or the MPO, as the designated lead air quality agency, shall be the lead agency for the development of the implementation plan, the associated emission budgets, and the list of Transportation Control Measures (TCMs) in the plan. The concurrence of IDEQ on each applicable implementation plan is required before IDEQ adopts the plan and submits it to EPA for inclusion in the applicable implementation plan.

02. Areas With An MPO. For areas in which an MPO has been established, the designated MPO shall be the lead agency responsible for conformity determinations, development of the LRTP, development of the TIP, and project level documentation under 23 CFR 450.

03. Areas Without An MPO. For areas in which an MPO has not been established, ITD shall be the lead agency for preparing the final document on conformity determinations, the development of the statewide transportation plan, the development of the STIP, and project level documentation under 23 CFR 450.

SECTION 58.01.01.569. ICC Member Responsibilities In Consultation

This Section identifies the specific responsibilities of ICC members.

01. Designated Lead Air Quality Agency Responsibilities. The designated lead air quality agency shall be responsible for developing or providing and distributing draft and final documentation, data and analyses for:

- a. Air emission inventories;
- b. Emission budgets;
- c. Attainment and maintenance demonstrations;
- d. Control strategy implementation plan revisions;
- e. Updated motor vehicle emission factors;
- f. Proposal and evaluation of TCMs; and
- g. Public outreach on draft air quality plans pursuant to 40 CFR Part 51.

02. Designated MPO Responsibilities. The designated MPO shall be responsible for:

- a. Conformity determinations corresponding to LRTPs and TIPs;
- b. Making conformity determinations for the entire nonattainment or maintenance area, including areas beyond the boundaries of the MPO, where no agreement is in effect as required by 23 CFR 450.310(f);
- c. Identify regionally significant projects through the consultation process;
- d. Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable;
- e. Providing technical and policy input on emissions budgets;
- f. Performing transportation modeling, regional emissions analyses, and project level analysis, as necessary;
- g. Documenting timely implementation of TCMs, as required, for determining conformity; and

h. Distributing relevant draft and final project environmental documents to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c.

03. Non-MPO Area Responsibilities. In areas without an established MPO, ITD shall be responsible for:

- a. Conformity determinations corresponding to STIPs and project-level analyses;
- b. Providing technical and policy input on proposed revisions to motor vehicle emissions factors and to emission budgets;
- c. Distributing relevant draft and final project environmental documentation prepared by, or for ITD, to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c.;
- d. Convening air quality technical review meetings on specific projects when requested by other ICC members, or as needed;
- e. Convening interagency consultation meetings required for purposes of making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary;
- f. Making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary; and
- g. Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable.

04. FHWA And FTA Responsibilities. FHWA and FTA shall be responsible for:

- a. Assuring timely action on final findings of conformity for transportation plans, TIPs, and federally funded projects, including the basis for those findings after consultation with other agencies as provided in Section 569 and 40 CFR 93.105; and
- b. Providing guidance on conformity and the transportation planning process to ICC members. FHWA and FTA may rely solely on the consultation process initiated by ITD or the MPO, where one exists, and shall not be required to duplicate that process.

05. EPA Responsibilities. EPA shall be responsible for providing policy and technical guidance on conformity criteria to ICC members.

06. Responsibility To Disclose Potentially Regionally Significant Projects. ITD, the local highway jurisdiction, transit agency, or transportation project sponsor shall be responsible for

disclosing potentially regionally significant projects within air quality nonattainment and maintenance areas to the ICC in a timely manner.

- a. Local Highway Jurisdictions shall disclose of potentially regionally significant projects upon written request of ITD within fourteen (14) days of such request, or when annual local and MPO project lists are due to ITD District Offices as part of the annual STIP development process;
- b. In an MPO area, to help assure timely disclosure, the sponsor of any potentially regionally significant project shall disclose such projects to the MPO annually on or before March 1 of that calendar year; and
- c. In MPO nonattainment and maintenance areas, the TIP and associated conformity demonstration shall be deemed to be incomplete if any regionally significant project has not been disclosed to the ICC in a timely manner. Therefore, such a TIP shall be considered to be non-conforming to applicable implementation plan(s).

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.570. GENERAL CONSULTATION PROCESS

Section 570 provides the general procedures for interagency consultation (federal, tribal, state, and local) and public participation for transportation conformity determinations in air quality nonattainment and maintenance areas in the state of Idaho.

01. Lead Agency In Consultation. The following are the responsibilities of the lead agency at each stage of the consultation process:

- a. Initiating the consultation process by notifying other ICC members of the document or decision that must undergo the consultation process and by scheduling and convening consultation meetings and agendas;
- b. Developing and maintaining a distribution list of all ICC members and any other persons expressing an interest in receiving information and materials pertaining to ICC meetings;
- c. Distributing an agenda and all supporting material, including minutes of ICC meetings, to ICC members and persons on the distribution list as follows:
 - i. Fourteen (14) days in advance of an ICC meeting if there are non-technical issues to be resolved by the ICC;
 - ii. Thirty (30) days in advance of an ICC meeting if there are technical issues to be resolved by the ICC; or
 - iii. If distribution of technical material pursuant to Subsection 570.01.c.ii. is not feasible

thirty (30) days prior to an ICC meeting, then the lead agency shall notify the ICC members and persons on the distribution list in writing at least thirty (30) days prior to the ICC meeting. Together with the notification, the lead agency shall distribute and disclose all available material and documentation to the ICC members and persons on the distribution list, informing them of the nature, purpose, and details of possible program changes that are expected to occur from earlier analyses of the actions. All technical material and documentation shall be distributed at a minimum of fourteen (14) days prior to the ICC meeting.

- d. Conferring with other agencies and persons not on the distribution list that have expressed an interest in the document or decision to be developed;
- e. Providing ICC members and persons on the distribution list access to all information needed for meaningful input;
- f. Soliciting early and continuing input from other ICC members and persons on the distribution list;
- g. Following the public consultation procedures outlined in Section 574;
- h. Providing an opportunity for informal question and answer on the draft document or proposed decision;
- i. Considering the views of ICC members and persons on the distribution list and responding in writing to significant comments in a timely and substantive manner prior to finalizing or taking any final action on those documents or determinations enumerated in Section 567.07.a. through 567.07.c.; and
- j. Assuring all comments and written responses of ICC members and persons on the distribution list are made part of the record of any action.

02. Public Comment Period To Satisfy Thirty Day Document Distribution Requirement. A lead agency may use all or any part of another public comment period established for public outreach procedures pursuant to 23 CFR 450 for a transportation plan, program, or project to satisfy the thirty (30) day advance distribution requirement for technical issues, and shall notify all ICC members and other persons on the distribution list when so doing fourteen (14) days prior to commencement of the public comment period.

03. Separate Times Or In Combination. The above actions may be conducted at separate times or in combination, as required, to enhance the efficiency of the process.

04. Final Document Distribution. A lead agency, upon completion of a final document subject to the consultation process under Sections 563 through 574 of these rules (including any federal

agency), shall distribute each final document to all other ICC members and persons on the distribution list within thirty (30) days of adopting or approving such document or making such determination.

05. Use Of Checklist For Distribution Of Material. The lead agency may supply a checklist of available supporting information to ICC members and persons on the distribution list to be used to request all or part of the supporting information, in lieu of generally distributing all supporting information.

06. Use Of Other Meetings For Consultation. A meeting that is scheduled or required for another purpose may be used for the purposes of consultation only if the public notice for the meeting identifies consultation as an agenda item.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.571. CONSULTATION PROCEDURES

The consultation process among ICC members and persons on the distribution list shall be undertaken for the following specific major activities (federal, tribal, state, and local), specific routine activities and specific air quality related activities, in accordance with the procedures in Section 570. Participating agencies shall be all ICC members unless otherwise specified in Subsections 571.01 through 571.04.

01. Specific Major Activities. The consultation process shall be undertaken for the following specific major activities. The lead agency for each activity shall be the designated MPO or ITD in the absence of an MPO.

- a. Evaluating and choosing each air quality model and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses including vehicle miles traveled forecasting. The hot-spot analyses shall be performed consistent with procedures described in 40 CFR 93.116 and 40 CFR 93.123 and regional emissions analysis shall be performed using procedures outlined on 40 CFR 93.122.
- b. Determining which minor arterials and other transportation projects should be considered “regionally significant” for the purposes of regional emissions analysis, in addition to those functionally classified as principal arterial or higher or fixed guideway transit systems or extensions that offer an alternative to regional highway travel.
- c. Evaluating whether projects otherwise exempted from meeting the requirements of Sections 563 through 574 of these rules should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason per 40 CFR 93.126 and 127.
- d. Making a determination as to whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over

approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This consultation procedure shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs with other emission reduction measures.

e. Identifying projects located at sites in PM nonattainment or maintenance areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM hot-spot analysis. In case a method for quantitative hot-spot analysis has not been formally adopted by EPA, a sound qualitative analysis developed in conjunction with FHWA may be used for the same.

f. Making a determination whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.

g. For areas in the state with no MPOs, making a determination whether a project has undergone project-level analysis and whether the project's design concept and scope have changed significantly from those which were included in the project-level analysis, or in a manner which would significantly impact use of the facility.

h. Establishing appropriate public participation opportunities for project-level conformity determinations, as applicable, in the manner specified by Section 574, to be initiated by the recipient of the funds designated under 23 U.S.C. or the Federal Transit Act.

i. Choosing conformity tests and methodologies for isolated and rural nonattainment and maintenance areas as required by 40 CFR 93.109(g)(2)(iii).

02. Specific Routine Activities. The consultation process shall be undertaken for the following specific routine activities. The lead agency shall be the MPO or ITD in the absence of an MPO.

a. Evaluating events that will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies.

b. Consulting on emissions analysis for transportation activities that cross the borders of MPOs or nonattainment or maintenance areas. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies.

c. Determining whether the project sponsor or MPO has demonstrated that the requirements are satisfied without a particular mitigation, such as emissions offsets or other control measures, or determining that a conforming project approved with mitigation no longer

requires mitigation.

d. Assuring that plans for construction of regionally significant projects that are not FHWA/FTA projects, including projects for which alternative locations, design concept and scope, or the no-build option are still being considered, are disclosed to the MPO or ITD in the absence of an MPO on a regular basis, and assuring that any changes to those plans are immediately disclosed.

e. Determining whether a project, which was previously found to conform, has or will have a significant change in design concept and scope since the project plan and TIP conformity determination.

f. Designing, scheduling, and funding of research and data collection effort pertaining to transportation or air quality planning with implications for transportation conformity.

g. Reviewing and recommending regional transportation model development by the MPO (e.g., household/travel transportation surveys).

h. Development of transportation improvement programs.

i. Development of regional transportation plans.

j. Consulting when the metropolitan planning area does not include the entire nonattainment area or maintenance area, for planning requirements which may fall under the jurisdiction of more than one (1) MPO or the MPO and ITD.

03. Specific Air Quality Related Activities. The consultation process shall be undertaken when preparing an applicable implementation plan that includes the revision or addition of a motor vehicle emissions inventory and budget activities in accordance with the procedures in Section 570. Consultation is not required for administrative amendments that do not affect conformity. The lead agency for each activity shall be IDEQ or the MPO. In addition to the Section 570 consultation process, the lead agency shall undertake the following:

a. Scheduling consultation meetings early in the process of decision on the applicable implementation plan, and prior to making a final recommendation to their management, committees, boards or commissions, for a final decision on such documents;

b. Arranging for technical committees or teams to assist ICC members in reviewing documents provided by the lead agency. The lead agency may convene technical meetings as necessary; and

c. Scheduling and conducting meetings of the ICC at regularly scheduled intervals, no less frequently than quarterly.

d. The ICC may appoint subcommittees to address specific issues pertaining to applicable implementation plan development. Any recommendations of a subcommittee shall be considered by the ICC.

04. Notification Process. The designated MPO, or ITD in the absence of an MPO, shall notify ICC members and persons on the distribution list of a transportation plan or TIP revisions that merely add or delete exempt projects listed in 40 CFR 93.126 early in the process of decision, and by supplying all relevant documents and information to the same.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.572. FINAL CONFORMITY DETERMINATIONS BY USDOT

Section 572 establishes the process USDOT shall follow when making final determinations on proposed or anticipated transportation actions subject to transportation conformity.

01. Final Conformity Determination Process. USDOT will make making final determinations on proposed or anticipated STIP or transportation plan or project conformity by:

a. Distributing a draft conformity determination to EPA for review and comment. USDOT shall allow a maximum of thirty (30) days for EPA to respond; and

b. USDOT shall respond in writing to any significant comments raised by EPA within fourteen (14) days of receipt in writing before making a final decision.

02. New Or Revised Information. If USDOT requests any new or revised information to support a STIP, TIP or transportation plan or project conformity determination, then USDOT shall either return the conformity determination for additional consultation pursuant to Section 570, or USDOT shall distribute the new information to the ICC members and persons on the distribution list for review and comment;

a. When USDOT distributes such new or additional information to ICC members and persons on the distribution list, USDOT shall allow for a maximum of thirty (30) days for the lead agency to respond to any new or revised supporting information; and

b. USDOT shall distribute a written response within fourteen (14) days of receipt to any significant comments raised by the ICC members and persons on the distribution list on the new or revised supporting information before making a final decision.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.573. RESOLVING CONFLICTS

Conflicts between state agencies or between state agencies and the MPO regarding a determination of conformity, applicable implementation plan submittal, or other policy decision under Sections 563 through 574, shall be resolved in the following manner.

01. Conflict Resolution At The Level Of IDEQ Regions And ITD Districts. Every effort shall be made to resolve any conflicts among state agencies or between state agencies and an MPO at the regional level. The regional administrator of IDEQ, the District Engineer of ITD and the other agency managers at the regional level of the affected jurisdictions, or their designated representatives shall be involved in conflict resolution at the regional level.

02. Conflict Resolution At The Level Of IDEQ And ITD Headquarters. If conflict(s) are not resolved at the regional level, the issue shall be raised to the level of agency directors for resolution.

03. Conflict Resolution At The Governor's Level. If conflict(s) are not resolved through Subsection 569.02, then IDEQ shall raise the conflict to the Governor, as follows:

a. The IDEQ administrator shall request in writing that ITD or the MPO provide IDEQ with written notification of resolution of IDEQ's comments. ITD or the MPO shall provide IDEQ with the requested written notification within fourteen (14) days of receipt of IDEQ's written request.

b. Within fourteen (14) days of its receipt of the requested written notification, IDEQ may appeal the conformity determination in writing to the Governor. If IDEQ appeals to the Governor, then the final conformity determination must have the concurrence of the Governor. If IDEQ does not appeal in writing to the Governor within fourteen (14) days of its receipt of written notification of resolution of its comments, then the lead transportation agency may proceed with the final conformity determination.

c. The fourteen (14) days shall start on the date when the IDEQ administrator receives notification of the written resolution of his comments regarding a determination of conformity, applicable implementation plan submittal, or other decision under Sections 563 through 574.

04. Process For Conflict Resolution At The Governor's Level. The Governor may delegate to another independent official or agency within the state his or her role in this process. The Governor may not delegate his or her role to the head or staff of the state air quality agency or any local air quality agency, ITD, a state transportation commission or board, any agency that has responsibility for any one (1) of these functions, or an MPO.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.574. PUBLIC CONSULTATION PROCEDURES

Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, reasonable public access to technical and policy information considered by the

agency, and consistent with these requirements and those of 23 CFR 450. Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.95. In addition, these agencies must specifically address, in writing, all public comments relating to known plans for a regionally significant project, which is not receiving FHWA or FTA funding, or approval. This is especially important if the project's emissions have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

State Effective: 3/30/01, EPA Effective: 6/11/2001

SECTION 58.01.01.575. AIR QUALITY STANDARDS AND AREA CLASSIFICATION

Ambient Air Quality Standards. The purpose of Sections 575 through 587 is to establish air quality standards for the state of Idaho which define acceptable ambient concentrations of regulated air pollutants consistent with established air quality criteria.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.576. GENERAL PROVISIONS FOR AMBIENT AIR QUALITY STANDARDS

01. Applicability. The ambient air quality standards established herein shall apply to all of the state.

02. Standard Conditions. Where applicable, air quality measurements shall be corrected to a reference temperature of twenty-five degrees Celsius (25C) and to a reference pressure of seven hundred and sixty (760) millimeters of mercury absolute.

03. Revisions. As pertinent air quality criteria information becomes available, such information shall be considered and new or revised air quality standards promulgated as appropriate.

04. Control Of Unregulated Contaminants. The absence of an air quality standard for a specific contaminant shall not preclude action by the Department to control such contaminants to assure the health, welfare and comfort of the people of the State.

05. Methods. All measurement techniques for determining compliance with 40 CFR Part 50 shall be consistent with those specified in 40 CFR Parts 50 and 53.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.577. AMBIENT AIR QUALITY STANDARDS FOR SPECIFIC AIR POLLUTANTS

01. Particulate Matter. PM-10 - particles with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers.

a. Primary and Secondary Standards. Primary and secondary PM-10 standards are:

i. Annual Standard. Fifty (50) micrograms per cubic meter, as an annual arithmetic mean -- never expected to be exceeded in any calendar year.

ii. Twenty-four (24) Hour Standard. One hundred fifty (150) micrograms per cubic meter as a maximum twenty-four (24) hour concentration -- never expected to be exceeded more than once in any calendar year.

b. Attainment and Expected Exceedance Determination. For the purpose of determining attainment of the primary and secondary PM-10 standards, expected exceedances shall be determined in accordance with Appendix K of 40 CFR Part 50.

02. Sulfur Oxides (Sulfur Dioxide).

a. Primary Standards. Primary sulfur dioxide air quality standards are:

i. Annual Standard. Eighty (80) micrograms per cubic meter (0.03 ppm), as an annual arithmetic mean -- not to be exceeded in any calendar year.

ii. Twenty-four (24) Hour Standard. Three hundred sixty-five (365) micrograms per cubic meter (0.14 ppm), as a maximum twenty-four (24) hour concentration -- not to be exceeded more than once in any calendar year.

b. Secondary Standards. Secondary air quality standards are one thousand three hundred (1,300) micrograms per cubic meter (0.50 ppm), as a maximum three (3) hour concentration -- not to be exceeded more than once in any calendar year.

03. Ozone. Primary and secondary air quality standards are 0.12 ppm (two hundred thirty-five (235) micrograms per cubic meter) -- maximum one (1) hour concentration not expected to be exceeded more than once per year.

04. Nitrogen Dioxide. Primary and secondary air quality standards are one hundred (100) micrograms per cubic meter (0.05 ppm) -- annual arithmetic mean.

05. Carbon Monoxide. Primary and secondary air quality standards are:

a. Eight (8) Hour Standard. Ten (10) milligrams per cubic meter (9 ppm) -- maximum eight (8) hour concentration not to be exceeded more than once per year.

b. One (1) Hour Standard. Forty (40) milligrams per cubic meter (35 ppm) -- maximum one (1) hour concentration not to be exceeded more than once per year.

~~**06. Fluorides.** Primary and secondary air quality standards are those concentrations in the ambient air which result in a total fluoride content in vegetation used for feed and forage of no more than:~~

- ~~— a. Annual Standard. Forty (40) ppm, dry basis—annual arithmetic mean.~~
- ~~b. Bimonthly Standard. Sixty (60) ppm, dry basis—monthly concentration for two (2) consecutive months.~~
- ~~c. Monthly Standard. Eighty (80) ppm, dry basis—monthly concentration never to be exceeded.~~

07. Lead. Primary and secondary standards for lead and its compounds, measured as elemental lead, are one and one-half (1.5) micrograms per cubic meter (1.5 ug/m³), as a quarterly arithmetic mean -- not to be exceeded in any quarter of any calendar year.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.578. DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS

01. Annual Review. The Department shall annually review the available ambient air quality data and when appropriate, redesignate areas as attainment, unclassifiable or nonattainment with the standards in 40 CFR Part 50.

02. Boundaries. Boundaries for such areas will be based, as much as possible, on actual ambient concentrations and shall take into account such things as the location of air pollutant sources, modeled air quality concentrations, terrain, geographical boundaries and political jurisdictions.

03. Area Designation. Designation of attainment and unclassifiable areas shall generally be made on a county basis. Redesignation of attainment or unclassifiable areas cannot intersect or be smaller than the area of impact of any major facility or major modification which establishes the baseline date or is subject to a PSD permit.

04. Redesignations. Redesignations shall be adopted by the Department after public notice and opportunity for a public hearing and will be submitted by the Governor (or if delegated, the Director) to the U.S. Environmental Protection Agency.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION

01. Baseline Date(s). (5-1-94)

a. Major Source Baseline Date. January 6, 1975 in the case of particulate matter and sulfur dioxide; February 8, 1988 in the case of nitrogen dioxide. (5-1-94)

b. Minor Source Baseline Date. The earliest date after the trigger date on which a major stationary source or a major modification subject to prevention of significant deterioration (PSD) submits a complete application. The trigger date is: (4-5-00)

- i. In the case of particulate matter and sulfur dioxide, August 7, 1977; and (4-5-00)
- ii. In the case of nitrogen dioxide, February 8, 1988. (4-5-00)
- c. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if: (4-5-00)
 - i. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d) of the Clean Air Act for the pollutant on the date of its complete prevention of significant deterioration (PSD) application; and (4-5-00)
 - ii. In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant. (4-5-00)
- d. Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions. (4-5-00)

02. Baseline Area. Any intrastate area designated as attainment or unclassifiable under 42 U.S.C. Section 7407(d), in which the major facility or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than a one (1) microgram per cubic meter (annual average) of the regulated air pollutant for which the minor source baseline date is established. (4-5-00)

03. Baseline Concentration. The ambient concentration for a particular regulated air pollutant which exists in the applicable baseline area on the applicable minor source baseline date. (4-5-00)

- a. The baseline concentration shall represent: (5-1-94)
 - i. The actual emissions from sources in existence on the applicable minor source baseline date; and (5-1-94)
 - ii. The allowable emissions of major facilities and major modifications which commenced construction before the applicable major source baseline date, but were not in operation by the applicable minor source baseline date. (5-1-94)

- b. The baseline concentration shall not include the actual emissions of new major facilities and major modifications which commenced construction on or after the applicable major source baseline date. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS

01. Restrictions On Area Classification. (5-1-94)

- a. All of the following areas which were in existence on August 7, 1977, are Class I and may not be redesignated: (5-1-94)
 - i. International parks; (5-1-94)
 - ii. National wilderness areas which exceed five thousand (5,000) acres; (5-1-94)
 - iii. National memorial parks which exceed five thousand (5,000) acres; (5-1-94)
 - iv. National parks which exceed six thousand (6,000) acres. (5-1-94)
- b. The following areas are Class II and may be redesignated only as Class I or II: (5-1-94)
 - i. National monuments, national primitive areas, national preserves, national recreational areas, national wild and scenic rivers, national wildlife refuges, and national lakeshores or seashores which exceed ten thousand (10,000) acres; or (5-1-94)
 - ii. National parks or national wilderness areas established after August 7, 1977, which exceed ten thousand (10,000) acres. (5-1-94)
- c. All other areas in the State are Class II and may be redesignated Class I, II or III. (5-1-94)

02. Procedures For Redesignation Of Prevention Of Significant Deterioration (PSD)

Areas. The Governor may submit to the U.S. Environmental Protection Agency a proposal to redesignate areas as a revision to the SIP. In preparing any such proposal the Department shall: (4-5-00)

- a. Consult with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation; (5-1-94)
- b. Prepare a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and

energy effects of the proposal. This document will be made available for public inspection at least thirty (30) days prior to the public hearing on the proposed redesignation and the notice announcing the hearing will include notification of the availability of the document; (5-1-94)

c. Provide written notice to the appropriate Federal Land Manager of any federal lands proposed for redesignation and provide at least thirty (30) days for the Federal Land Manager to confer with the Department and to submit written comments and recommendations. If written comments and recommendations are submitted, the Department shall publish a list of any inconsistency between the proposed redesignation and the comments and recommendations, including the reasons for making a redesignation against the recommendation of the Federal Land Manager; (5-1-94)

d. Notify other states, Indian governing bodies, and federal land managers whose land may be affected by the proposed redesignation at least thirty (30) days prior to the public hearing; (5-1-94)

e. For a redesignation to Class III: After consulting with the appropriate committees of the legislature, if it is in session, or the leadership of the legislature, if it is not in session, obtain specific approval by the Governor and by all general purpose units of local government representing a majority of the residents of the area to be redesignated; demonstrate that the redesignation would not cause, or contribute to, violations of any ambient air quality standard, or violations of PSD increments in any other area; and make available, for public inspection prior to the public hearing, any permit application and accompanying material for any major facility or major modification which could only be permitted if the area were designated as Class III; and (5-1-94)

f. Hold at least one (1) public hearing on the proposed redesignation. (5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS

The purpose of Section 581 is to establish the allowable degree of deterioration for the areas within the State which have air quality better than the ambient standards. (5-1-94)

01. Class I, II And III Areas. In any area designated as Class I, II, or III, increases in any ambient concentration over the baseline concentration shall be limited to the following:

CLASS AREAS	Maximum Allowable Increase (Micrograms per cubic meter)
CLASS I AREAS	

PM-10: Annual arithmetic mean Maximum twenty-four (24) hour average	4 8
Sulfur dioxide: Annual arithmetic mean Maximum twenty-four (24) hour average Maximum three (3) hour average	2 5 25
Nitrogen dioxide: Annual arithmetic mean	2.5
CLASS II AREAS	
PM-10: Annual arithmetic mean Maximum twenty four (24) hour average	17 30
Sulfur dioxide: Annual arithmetic mean Maximum twenty-four (24) hour average Maximum three (3) hour average	20 91 512
Nitrogen dioxide: Annual arithmetic mean	25
CLASS III AREAS	
PM-10: Annual arithmetic mean Maximum twenty-four (24) hour average	34 60
Sulfur dioxide: Annual arithmetic mean Maximum twenty-four (24) hour average Maximum three (3) hour average	40 182 700

Nitrogen dioxide: Annual arithmetic mean	50
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(4-5-00)

02. Exceedances. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location. (5-1-94)

03. Exclusions. The following concentrations shall be excluded in determining compliance with the maximum allowable increases: (5-1-94)

a. Concentrations attributable to the increase in emissions from facilities which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, over the emissions from such facilities before the effective date of such order or plan; this shall not apply more than five (5) years after the effective date of such order or plan; (5-1-94)

b. Concentrations of PM-10 attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified facilities; (7-1-97)

c. The increase in concentrations attributable to new facilities outside the United States over the concentrations attributable to existing facilities which are included in the baseline concentration; and (5-1-94)

d. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen dioxide, or particulate matter from facilities which are affected by a revision to the SIP approved by the U.S. Environmental Protection Agency; this exclusion shall not exceed two (2) years unless a longer time is approved by the U.S. Environmental Protection Agency, is not renewable, and applies only to revisions which: (5-1-94)

i. Would not affect regulated air pollutant concentrations in a Class I area or an area where an applicable increment is known to be violated and would not cause or contribute to a violation of an ambient air quality standard; and (4-5-00)

ii. Require limitations to be in effect at the end of the approved time period which would ensure that the emissions from facilities affected by the revision would not exceed those concentrations occurring before the revision was approved. (5-1-94)

SECTION 58.01.01.582. INTERIM CONFORMITY PROVISIONS FOR NORTHERN ADA COUNTY FORMER NONATTAINMENT AREA FOR PM-10

The purpose of Section 582 is to implement part of the settlement of “Idaho Clean Air Force, et al. v. EPA, et al.” Section 582 requires that the growth in transportation related PM-10 emissions be offset annually in the absence of federal transportation conformity requirements in the former PM-10 nonattainment area in northern Ada County, Idaho. Section 582 will remain in place until a PM-10 maintenance demonstration and maintenance plan containing a motor vehicle emissions budget can be developed, submitted to the U.S. Environmental Protection Agency (EPA) and approved as meeting the requirements of Section 175A of the Clean Air Act, and the transportation plan and TIP for northern ADA County has been found to conform to the applicable implementation plan. The Department will prepare a PM-10 maintenance plan within the agreed upon time frame to be submitted to EPA for approval.

01. Definitions. Terms not specifically defined in Subsection 582.01 are defined in Sections 565 and 566 of these rules.

- a. Annual Reduction Amount. Represents the estimated, annual average increase in PM-10 emissions in the former nonattainment area expected between the years 1997 and 2005 and is calculated at seven hundred fifty (750) kg/day.
- b. Consent Decree. The consent decree approved by the Ninth Circuit Court of Appeals to resolve “Idaho Clean Air Force, et al. v. EPA, et al.,” (Ninth Circuit Docket Nos. 99-70289 & 99-70576).
- c. Emissions Reductions. Reductions in emissions of PM-10 or PM-10 precursors to be achieved by transportation control measures (as defined in 40 CFR 93.101) or other binding emissions control measures. Control measures adopted by the Metropolitan Planning Organization and approved by the Department shall be enforceable obligations of the State Implementation Plan (SIP).
- d. Former Nonattainment Area. That portion of northern Ada County designated as a nonattainment area for PM-10 by 40 CFR 81.87 prior to March 12, 1999.
- e. Interim Period. The period beginning with the fiscal year commencing October 1, 2000, until EPA approves a maintenance plan containing a motor vehicle emission budget for the former nonattainment area and the Metropolitan Planning Organization adopts a transportation plan and TIP that is found to conform in accordance with Section 176(c) of the Clean Air Act and 40 CFR Part 93.
- f. Metropolitan Planning Organization (MPO). For purposes of Section 582, Community Planning Association of Southwest Idaho (COMPASS), or its successor organization, is the MPO for the former nonattainment area.

g. Regionally Significant Project. A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including, at a minimum:

- i. All principal arterial highways;
- ii. All fixed guideway transit facilities that offer an alternative to regional highway travel; and
- iii. Any other facilities determined to be regionally significant through Section 570, interagency consultation.

02. Applicability. The provisions of Section 582 shall apply during the interim period. The transportation conformity requirements of 40 CFR Part 93 applicable to nonattainment areas shall apply to the former nonattainment area pursuant to 42 U.S.C. Section 7506(c)(5) if the area is designated nonattainment or attainment with an approved maintenance plan. The provisions of Section 582 shall no longer apply after a maintenance demonstration and maintenance plan containing motor vehicle emissions budget(s) for PM-10 is submitted by the Department as a State Implementation Plan (SIP) revision, has been approved by EPA as meeting the requirements of Section 175A of the Clean Air Act, and a transportation plan and TIP have been found to conform to the applicable implementation plan pursuant to 40 CFR Part 93.

03. Adoption Of Control Measures And Demonstration Of Emissions Reductions. As a precondition to:

- a. The expenditure of any non-exempt federal transportation funds that would be prohibited under a conformity lapse;
- b. The construction of any regionally significant projects that would be prohibited under a conformity lapse;
- c. The execution by the Idaho Transportation Department or the Ada County Highway District of any project agreements required by 23 U.S.C. Section 106(a) that would be prohibited under a conformity lapse; or
- d. The execution of agreements with contractors to begin construction on a highway project that is not exempt from a conformity determination pursuant to 40 CFR 93.126 and 93.127 during any fiscal year during the interim period, the MPO shall:
 - i. Demonstrate that the control measures adopted to achieve emissions reductions in

prior fiscal years have been implemented and will continue to be implemented during the next fiscal year;

ii. Demonstrate that the control measures adopted to achieve emissions reductions have achieved the magnitude of emissions reductions expected as a result of the implementation of such measures;

iii. Adopt (subject to approval by the Department pursuant to Subsection 852.04) control measures adequate to achieve emissions reductions reasonably calculated to reduce actual emissions during the next fiscal year in the former nonattainment area by the annual reduction amount, at a minimum, in addition to any emissions reductions required to be achieved prior to the beginning of such fiscal year; and

iv. With regard to control measures that will not be implemented directly by the MPO, obtain written commitments from the responsible entities that the control measures will be implemented in the manner and within the fiscal year required to meet the emission reductions.

04. Department Review. Following adoption by the MPO, the control measures designed to achieve the new emissions reductions for the next fiscal year, associated emissions calculations, and the demonstrations required by Subsection 582.03 shall be submitted to the Department no later than April 1 of each year. The Department shall review and approve the submission if the Department determines that the requirements of Subsection 582.03 are met in accordance with the following:

a. The Department will respond to the submittal within thirty (30) days of receipt. The response may include approval of the submission, a request for further information, or conditional approval of the control measures subject to submission of evidence that entities responsible for implementation of the measures have adopted any ordinances, appropriations or other approvals needed to complete the implementation of such measures. If further information is required, such information shall be submitted to the Department within thirty (30) days of request. The Department shall take final action to approve or deny the submission within ninety (90) days of the MPO's submission of the documentation required by Subsection 582.03; and

b. The Department shall by July 1 of each year during the interim period provide to the MPO, the Ada County Highway District Commissioners and the Idaho Department of Transportation a report listing the emissions control measures implemented and the emissions control measures planned but not yet implemented for the then-current fiscal year, together with the Department's written determination as to whether the Emissions Reductions associated with such emissions control measures satisfy the requirements under Section 582.

05. First Year Emissions Reductions. For the initial fiscal year to which Section 582 applies, the MPO shall adopt new control measures reasonably calculated to achieve emissions reductions of two thousand (2000) kg/day. The MPO may take credit for any reductions in transportation-related emissions of PM-10 that were actually achieved by the implementation of enforceable control measures or other measures following March 12, 1999, and that continue to be implemented during the interim period.

06. Restrictions if Emissions Reductions Not Adopted. If the MPO adopts control measures for the purpose of achieving emissions reductions in a fiscal year, and the relevant local governmental entities do not adopt the necessary implementing ordinances or appropriate necessary funds, if any, by the beginning of the following fiscal year, the MPO shall not expend any non-exempt federal transportation funds or construct any regionally significant projects, that would be prohibited under a conformity lapse, in such following fiscal year until each of the relevant local governmental entities, if any, take such actions as may be necessary to implement the control measures previously approved by the MPO and the Department.

07. Restrictions on TIP if Emissions Reductions Not Adopted or Achieved. If:

- a. Control measures required to achieve emissions reductions for a prior fiscal year have not been implemented, or
- b. The Department does not approve the control measures submitted by the MPO as adequate to achieve the required emissions reductions for any fiscal year, then:
 - i. The MPO shall not submit any TIP or TIP revision for a project subject to the requirements of Subsection 582.03, that would be prohibited under a conformity lapse, to the Idaho Transportation Department for inclusion into the State Transportation Improvement Program or to FHWA/ FTA for approval, and
 - ii. No new agreement for a project subject to the requirements of Subsection 582.03, that would be prohibited under a conformity lapse, may be executed by the Idaho Transportation Department or the Ada County Highway District until control measures adequate to achieve the total emissions reductions required for any prior fiscal year are implemented and the control measures adequate to achieve the total emissions reductions for the next fiscal year are approved.

State Effective: 3/30/01, EPA Effective: 6/11/01

SECTION 58.01.01.600. RULES FOR CONTROL OF OPEN BURNING

The purpose of Sections 600 through 617 is to reduce the amount of emissions and minimize the impact of open burning to protect human health and the environment from air pollutants resulting from open burning.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.601. FIRE PERMITS, HAZARDOUS MATERIALS AND

LIABILITY

Compliance with the provisions of Sections 600 through 617 does not exempt or excuse any person from complying with applicable laws and ordinances of other jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.602. NONPREEMPTION OF OTHER JURISDICTIONS

The provisions of Sections 600 through 617 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.603. GENERAL RESTRICTIONS

01. Categories And Materials. No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 600 through 617 and the materials burned do not include any of the following:

State Effective: 3/21/03; EPA Effective: 8/10/2005

a. Garbage, as defined in Section 006.

State Effective: 3/21/03; EPA Effective: 8/10/2005

b. Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.) except as provided in Section 616.

State Effective: 3/21/03; EPA Effective: 8/10/2005

c. Motor vehicles, parts, or any materials resulting from a salvage operation.

State Effective: 3/21/03; EPA Effective: 8/10/2005

d. Tires or other rubber materials or products.

State Effective: 3/21/03; EPA Effective: 8/10/2005

e. Plastics.

State Effective: 3/21/03; EPA Effective: 8/10/2005

f. Asphalt or composition roofing or any other asphaltic material or product.

State Effective: 3/21/03; EPA Effective: 8/10/2005

g. Tar, tar paper, waste or heavy petroleum products, or paints.

State Effective: 3/21/03; EPA Effective: 8/10/2005

h. Lumber or timbers treated with preservatives.

State Effective: 3/21/03; EPA Effective: 8/10/2005

i. Trade waste, as defined in Section 006, except as specifically allowed under Sections 600 through 617.

State Effective: 3/21/03; EPA Effective: 8/10/2005

j. Insulated wire.

State Effective: 3/21/03; EPA Effective: 8/10/2005

k. Pathogenic wastes.

State Effective: 3/21/03; EPA Effective: 8/10/2005

l. Hazardous wastes.

State Effective: 5/1/94; EPA Effective: 8/10/2005

02. Air Pollution Episodes. No person shall allow, suffer, cause or permit any open burning to be initiated during any stage of an air pollution episode declared by the Department in accordance with Sections 550, through 562.

State Effective: 3/21/03; EPA Effective: 8/10/2005

03. Emergency Authority. In accordance with Title 39, Chapter 1, Idaho Code, the Department has the authority to require immediate abatement of any open burning in cases of emergency requiring immediate action to protect human health or safety.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.606. CATEGORIES OF ALLOWABLE BURNING

The purpose of Sections 606 through 617 is to establish categories of open burning that are allowed when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through 617 is subject to all of the provisions of Sections 600 through 605.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.607. RECREATIONAL AND WARMING FIRES

Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues) or small fires set for handwarming purposes, are allowable forms of open burning.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.608. WEED CONTROL FIRES

Open outdoor fires used for the purpose of weed abatement such as along fence lines, canal banks, and ditch banks is an allowable forms of open burning.

State Effective: 5/1/94; EPA Effective: 8/10/2005

SECTION 58.01.01.609. TRAINING FIRES

Fires used by qualified personnel to train firefighters in the methods of fire suppression and fire fighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training facilities shall notify the Department prior to igniting any training fires. Training fires shall not be allowed to smolder after the training session has terminated. Training fires are exempt from Subsections 603.01.c. and 603.01.e. through 603.01.j.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.610. INDUSTRIAL FLARES

Industrial flares, used for the combustion of flammable gases are allowable forms of open burning. Industrial flares are subject to permitting requirements in Sections 200 through 223.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.611. RESIDENTIAL SOLID WASTE DISPOSAL FIRES

01. Fires Allowed. Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met:

- a. No scheduled house to house solid waste collection service is available; and
- b. The burning is conducted on the property where the solid waste was generated.

02. Fires Exempt. Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 611.01.a. when conducted in accordance with local governmental ordinances or rules which allow for the open burning of tree leaves, gardening waste or yard trimming during certain periods of the year.

State Effective: 5/1/94; EPA Effective: 2/18/2003

SECTION 58.01.01.612. LANDFILL DISPOSAL SITE FIRES

The use of fires for the disposal of solid waste at any solid waste landfill disposal site or facility is an allowable form of open burning only if conducted in accordance with IDAPA 58.01.06, "Solid Waste Management Rules and Standards" or the Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.613. ORCHARD FIRES

The use of heating devices to protect orchard crops from frost damage and the use of fires to dispose of orchard clippings are allowable forms of open burning when the following provisions are met:

State Effective: 3/21/03; EPA Effective: 8/10/2005

01. Open-Pot Heaters. The use of stackless open-pot heaters is prohibited.

State Effective: 5/1/94; EPA Effective: 8/10/2005

02. Heating Device Opacity. Orchard heating device with visible emissions exceeding forty percent (40%) opacity at normal operating conditions shall not be used. Opacity shall be determined by the procedures contained in Section 625.

State Effective: 3/21/03; EPA Effective: 8/10/2005

03. Heating Device Emissions. All heaters purchased after September 21, 1970, shall emit no more than one (1.0) gram per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with Section 613.

State Effective: 3/21/03; EPA Effective: 8/10/2005

04. Orchard Clippings. The open burning of orchard clippings shall be conducted on the property where the clippings were generated.

State Effective: 5/1/94; EPA Effective: 8/10/2005

SECTION 58.01.01.614. PRESCRIBED BURNING

The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met.

01. Burning Permits Or Prescribed Fire Plans.

- a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke.
- b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed burning.

02. Smoke Management Plans For Prescribed Burning.

- a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all conditions set forth in a Smoke Management Plan for Prescribed Burning.
- b. The Department will develop and put into effect a Smoke Management Plan for Prescribed Burning consistent with the purpose of Sections 600 through 616.

03. Rights-Of-Way Fires. The open burning of woody debris generated during the clearing of rights of way shall be open burned according to Sections 38-101 and 38-401, Idaho Code, IDAPA 20 Title 16 and Sections 606 through 616 of these rules.

State Effective: 5/1/94; EPA Effective: 2/18/2003

SECTION 58.01.01.615. DANGEROUS MATERIAL FIRES

Fires used or permitted by a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.616. INFECTIOUS WASTE BURNING

Upon the order of a public health officer, fires used to dispose of diseased animals or infested

material are an allowable form of open burning and exempt from Subsection 603.01.k.

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.617. CROP RESIDUE DISPOSAL.

The open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with the Smoke Management and Crop Residue Disposal Act, Chapter 48, Title 22, Idaho Code, and the rules promulgated pursuant thereto, IDAPA 02.06.16, "Crop Residue Disposal Rules".

State Effective: 3/21/03; EPA Effective: 8/10/2005

SECTION 58.01.01.625. VISIBLE EMISSIONS

A person shall not discharge any air pollutant into the atmosphere from any point of emission for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by this section. (4-5-00)

01. Exemptions. The provisions of this section shall not apply to: (4-5-00)

- a. Kraft Process Lime Kilns, if operating prior to January 24, 1969; or (5-1-94)
- b. Carbon Monoxide Flare Pits on Elemental Phosphorous Furnaces, if operating prior to January 24, 1969; or (5-1-94)
- c. Liquid Phosphorous Loading Operations, if operating prior to January 24, 1969; or (5-1-94)
- d. Wigwam Burners; or (5-1-94)
- e. Kraft Process Recovery Furnaces. (5-1-94)
- f. Calcining Operations Utilizing an Electrostatic Precipitator to Control Emissions, if operating prior to January 24, 1969. (5-1-94)

02. Standards For Exempted Sources. Except as provided in Section 626, for sources exempted from the provisions of this section, a person shall not discharge into the atmosphere from any point of emission, for any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than forty percent (40%) opacity as determined by this section. (4-5-00)

03. Exception. The provisions of this section shall not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this rule. (4-5-00)

04. Test Methods And Procedures. The appropriate test method under this section shall be EPA Method 9 (contained in 40 CFR Part 60) with the method of calculating opacity

exceedances altered as follows: (4-5-00)

- a. Opacity evaluations shall be conducted using forms available from the Department or similar forms approved by the Department. (4-5-00)
- b. Opacity shall be determined by counting the number of readings in excess of the percent opacity limitation, dividing this number by four (4) (each reading is deemed to represent fifteen (15) seconds) to find the number of minutes in excess of the percent opacity limitation. This method is described in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual), September 1986. (4-5-00)
- c. Sources subject to New Source Performance Standards must calculate opacity as detailed above and as specified in 40 CFR Part 60. (4-5-00)

EPA Effective: 2/18/2003

SECTION 58.01.01.626. GENERAL RESTRICTIONS ON VISIBLE EMISSIONS FROM WIGWAM BURNERS

Except for a period of one (1) hour following start up a person shall not discharge into the atmosphere from any wigwam burner any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by the procedures contained in Section 625.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.650. RULES FOR CONTROL OF FUGITIVE DUST

The purpose of Sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.651. GENERAL RULES

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use Of Water Or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.

02. Application Of Dust Suppressants. Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust.

03. Use Of Control Equipment. Installation and use, where practical, of hoods, fans and fabric

filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

04. Covering Of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.

06. Removal Of Materials. Prompt removal of earth or other stored material from streets, where practical.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.675. FUEL BURNING EQUIPMENT -- PARTICULATE MATTER

The purpose of Sections 675 through 681 is to establish particulate matter emission standards for fuel burning equipment.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.676. STANDARDS FOR NEW SOURCES

A person shall not discharge into the atmosphere from any fuel burning equipment with a maximum rated input of ten (10) million BTU's per hour or more, and commencing operation on or after October 1, 1979, particulate matter in excess of the concentrations shown in the following table:

FUEL TYPE	ALLOWABLE Particulate gr/dscf	EMISSIONS Oxygen
Gas	.015	3%
Liquid	.050	3%
Coal	.050	8%
Wood Product	.080	8%

The effluent gas volume shall be corrected to the oxygen concentration shown.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.677. STANDARDS FOR MINOR AND EXISTING SOURCES

A person shall not discharge into the atmosphere from any fuel burning equipment in operation prior to October 1, 1979, or with a maximum rated input of less than ten (10) million BTU per hour, particulate matter in excess of the concentrations shown in the following table:

FUEL TYPE	ALLOWABLE Particulate gr/dscf	EMISSIONS Oxygen
Gas	.015	3%
Liquid	.050	3%
Coal	.100	8%

Wood Product	.200	8%
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The effluent gas volume shall be corrected to the oxygen concentration shown.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.678. COMBINATIONS OF FUELS

When two (2) or more types of fuel are burned concurrently, the allowable emission shall be determined by proportioning the gross heat input and emission standards for each fuel.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.679. AVERAGING PERIOD

For purposes of Sections 675 through 680, emissions shall be averaged according to the following, whichever is the lesser period of time: (5-1-94)

01. One Cycle. One (1) complete cycle of operation; or (5-1-94)

02. One Hour. One (1) hour of operation representing worst-case conditions for the emission of regulated air pollutants. (4-5-00)

EPA Effective: 2/18/2003

SECTION 58.01.01.680. ALTITUDE CORRECTION

For purposes of Sections 675 through 680, standard conditions shall be adjusted for the altitude of the source by subtracting one-tenth (0.10) of an inch of mercury for each one hundred (100) feet above sea level from the standard atmospheric pressure at sea level of twenty-nine and ninety-two one hundredths (29.92) inches of mercury.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.681. TEST METHODS AND PROCEDURES

The appropriate test method under Sections 675 through 680 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall also comply with Section 157.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.700. PARTICULATE MATTER -- PROCESS WEIGHT LIMITATIONS

01. Particulate Matter Emission Limitations. The purpose of Sections 700 through 703 is to establish particulate matter emission limitations for process equipment. (4-5-00)

02. Minimum Allowable Emission. Notwithstanding the provisions of Sections 701 and 702, no source shall be required to meet an emission limit of less than one (1) pound per hour. (4-5-00)

03. Averaging Period. For the purposes of Sections 701 through 703, emissions shall be averaged according to the following, whichever is the lesser period of time: (4-5-00)

a. One (1) complete cycle of operation; or (4-5-00)

b. One (1) hour of operation representing worst-case conditions for the emissions of particulate matter. (4-5-00)

04. Test Methods And Procedures. The appropriate test method under Sections 700 through 703 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157. (4-5-00)

EPA Effective: 2/18/2003

SECTION 58.01.01.701. PARTICULATE MATTER -- NEW EQUIPMENT PROCESS WEIGHT LIMITATIONS

01. General Restrictions. No person shall emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

a. If PW is less than 9,250 pounds per hour,
 $E = 0.045(PW)^{0.60}$

b. If PW is equal to or greater than 9,250 pounds per hour,
 $E = 1.10(PW)^{0.25}$

02. Exemption. The provisions of Section 701 shall not apply to fuel burning equipment.

03. Emission Standards -- Table. The following table illustrates the emission standards set forth in Section 701.

PROCESS WEIGHT	ALLOWABLE EMISSIONS FROM ENTIRE SOURCE	PROCESS WEIGHT	EMISSIONS FROM ENTIRE SOURCE
lb/hr	lb/hr	lb/hr	lb/hr
175 or less	1	20,000	13.08
200	1.08	40,000	15.56
400	1.64	60,000	17.22
600	2.09	80,000	18.50
800	2.40	100,000	19.56
1,000	2.84	200,000	23.26
2,000	4.30	400,000	27.66
4,000	6.52	600,000	30.61
6,000	8.32	800,000	32.90
8,000	9.89	1,000,000	34.79
10,000	11.00	2,000,000	41.37

SECTION 58.01.01.702. PARTICULATE MATTER -- EXISTING EQUIPMENT PROCESS WEIGHT LIMITATIONS

The provisions of Section 702 shall become effective on January 1, 1981. (4-5-00)

01. General Restrictions. No person shall emit into the atmosphere from any process or process equipment operating prior to October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour: (4-5-00)

- a. If PW is less than 17,000 pounds per hour,
 $E = 0.045 (PW)^{0.60}$ (4-5-00)
- b. If PW is equal to or greater than 17,000 pounds per hour,
 $E = 1.12 (PW)^{0.27}$. (4-5-00)

02. Exemptions. The provisions of Section 702 shall not apply to: (4-5-00)

- a. Fuel burning equipment; or (5-1-94)
- b. Equipment used exclusively to dehydrate sugar beet pulp or alfalfa. (5-1-94)

03. Emission Standards -- Table. The following table illustrates the emission standards set forth in Section 702.

PROCESS WEIGHT	EMISSIONS FROM ENTIRE SOURCE	PROCESS WEIGHT	EMISSIONS FROM ENTIRE SOURCE
lb/hr	lb/hr	lb/hr	lb/hr
175 or less	1	20,000	16.24
200	1.08	40,000	19.58
400	1.64	60,000	21.84
600	2.09	80,000	23.61
800	2.48	100,000	25.07
1,000	2.84	200,000	30.23
2,000	4.30	400,000	36.46
4,000	6.52	600,000	40.67
6,000	8.32	800,000	43.96
8,000	9.89	1,000,000	46.69
10,000	11.30	2,000,000	56.30

(4-5-00)

SECTION 58.01.01.703. PARTICULATE MATTER -- OTHER PROCESSES

01. Other Processes. No person with processes exempt under Subsection 702.02.b. shall emit particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in the following equations, where E is the total rate of emission from all emission points from the source in pounds per hour and P is the process weight rate in pounds per hour.

- a. If P is less than sixty thousand (60,000) pounds per hour,

$$E = 0.02518(P)^{0.67}$$

- b. If P is greater than or equal to sixty thousand (60,000) pounds per hour,

$$E = 23.84(P)^{0.11} - 40$$

02. Emission Standards -- Table. The following table illustrates the emission standards set forth in Section 703.

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE			
Process Weight Rate	Rate of Emission	Process Weight Rate	Rate of Emission
Lb/Hr	Lb/Hr	Lb/Hr	Lb/Hr
100	0.551	16,000	16.5
200	0.877	18,000	17.9
400	1.40	20,000	19.2
600	1.83	30,000	25.2
800	2.22	40,000	30.5
1,000	2.58	50,000	35.4
1,500	3.38	60,000	40.0
2,000	4.10	70,000	41.3
2,500	4.76	80,000	42.5
3,000	5.38	90,000	43.6
3,500	5.96	100,000	44.6
4,000	6.52	120,000	46.3
5,000	7.58	140,000	47.8
6,000	8.56	160,000	49.0
7,000	9.49	200,000	51.2
8,000	10.4	1,000,000	69.0
9,000	11.2	2,000,000	77.6
10,000	12.0	6,000,000	92.7
12,000	13.6		

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.725. RULES FOR SULFUR CONTENT OF FUELS

The purpose of Sections 725 through 729 is to prevent excessive ground level concentrations of sulfur dioxide from fuel burning sources in Idaho. The reference test method for measuring fuel sulfur content shall be ASTM method, D129-95 Standard Test for Sulfur in Petroleum Products (General Bomb Method) or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.726. DEFINITIONS AS USED IN SECTIONS 727 THROUGH 729

01. ASTM. American Society for Testing and Materials.

02. Distillate Fuel Oil. Any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

03. Residual Fuel Oil. Any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.727. RESIDUAL FUEL OILS

01. Standards For 1973. After January, 1973, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than two and one-half percent (2.5%) sulfur by weight.

02. Standards Beginning 1974. After January, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than one and three-fourths percent (1.75%) sulfur by weight.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.728. DISTILLATE FUEL OIL

No person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

01. ASTM Grade 1. ASTM Grade 1 fuel oil - 0.3 percent by weight.

02. ASTM Grade 2. ASTM Grade 2 fuel oil - 0.5 percent by weight.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.729. COAL

No person shall sell, distribute, use or make available for use, any coal containing greater than one percent (1.0%) sulfur by weight.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.785. RULES FOR CONTROL OF INCINERATORS

The purpose of Sections 785 through 788 is to prevent excessive emissions of particulate matter from incinerators.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.786. EMISSION LIMITS

01. General Restrictions. No person shall allow, suffer, cause or permit any incinerator to discharge more than two-tenths (0.2) pounds of particulates per one hundred (100) pounds of refuse burned.

02. Averaging Period. For the purposes of Section 786, emissions shall be averaged according to the following, whichever is the lesser period of time:

- a. One (1) complete cycle of operation; or
- b. One (1) hour of operation representing worst-case conditions for the emissions of particulate matter.

03. Test Methods And Procedures. The appropriate test method under Sections 785 through 788 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157.

State Effective: 4/5/00, EPA Effective: 2/18/2003

SECTION 58.01.01.787. EXCEPTIONS

Sections 785 and 786 do not apply to wigwam burners.

State Effective: 3/23/98, EPA Effective: 2/18/2003

SECTION 58.01.01.805. RULES FOR CONTROL OF HOT-MIX ASPHALT PLANTS

The purpose of Sections 805 through 808 is to establish for hot-mix asphalt plants restrictions on the emission of particulate matter.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.806. EMISSION LIMITS

No person shall cause, allow or permit a hot-mix asphalt plant to have particulate emissions which exceed the limits specified in Sections 700 through 703.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.807. MULTIPLE STACKS

In the case of more than one (1) stack to a hot-mix asphalt plant, the emission limitation will be based on the total emission from all stacks.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.808. FUGITIVE DUST CONTROL

01. Fugitive Emission Controls. No person shall cause, allow or permit a plant to operate that is not equipped with an efficient fugitive dust control system. The system shall be operated and maintained in such a manner as to satisfactorily control the emission of particulate material from any point other than the stack outlet.

02. Plant Property Dust Controls. The owner or operator of the plant shall maintain fugitive dust control of the plant premises and plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures. Good operating practices, including water spraying or other suitable measures, shall be employed to prevent dust generation and atmospheric entrainment during operations such as stockpiling, screen changing and general maintenance.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.815. RULES FOR CONTROL OF KRAFT PULPING MILLS

The purpose of Sections 815 through 826 is to establish for kraft pulping mills restrictions additional to the general rules presented in this Chapter; to formulate a schedule for compliance with the restrictions; and to formalize the policy of the Department concerning emissions control from kraft pulping mills.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.816. STATEMENT OF POLICY

It is hereby declared to be the policy of the Department to:

01. Best Treatment And Control. Require, in accordance with a specific program and timetable, the highest and best practicable treatment and control of emissions through the utilization of technically feasible equipment, devices and procedures.

02. Monitoring. Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data in conjunction with other data on ambient air and local conditions to develop and revise emission standards and air quality standards as necessary, and to determine compliance therewith.

03. Research. Encourage and assist the kraft pulping industry to conduct research and technological development designed to progressively reduce emissions in accordance with specific programs, objectives and time schedules.

04. Available Technology Required. Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as necessary when new information and technology are developed.

05. New Source Standards. Establish more restrictive standards for new mills or for mills expanding existing facilities.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.817. GENERAL RULES

All emission standards in Sections 818 through 823 are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.821. RECOVERY FURNACE PARTICULATE STANDARDS

The emission of particulate matter from all recovery furnace stacks shall not exceed four (4) pounds per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.822. LIME KILN STANDARDS

The emission of particulate matter from all lime kilns shall not exceed one (1) pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.823. SMELT TANK STANDARDS

The emission of particulate material from all smelt tanks shall not exceed one-half (½) pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1972.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.824. MONITORING AND REPORTING

01. ~~Continuous Monitoring Requirements.~~ Every kraft mill in the State shall install ~~equipment for the continuous monitoring of TRS. (5-1-94)~~

~~a. The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continuous sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty (30) minutes. (5-1-94)~~

~~b. The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks. (5-1-94)~~

02. Particulate Sampling. Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its sampling program as approved by the Department. The appropriate test method under Sections 821 through 823 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall also comply with Section 157. (4-5-00)

03. Monitoring Program And Time Schedule Submittal. Each mill shall submit within sixty (60) days after the original effective date of Sections 815 through 826 a detailed monitoring program and time schedule for approval by the Department. The equipment shall be ordered within thirty (30) days after the monitoring program has been approved in writing by the Department. The equipment shall be placed in effective operation in accordance with the approved program within ninety (90) days after delivery. (5-1-94)

04. Quarterly Reporting Requirements. Unless otherwise authorized by the Department, data

shall be reported by each mill at the end of each calendar quarter, as follows: (4-5-00)

- a. Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program. (5-1-94)
- b. The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds emission standards and the maximum concentration of TRS measured each day. (5-1-94)
- c. Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a quarterly basis for each source included in the approved monitoring program. (4-5-00)
- d. Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program. (5-1-94)
- e. Average daily equivalent kraft pulp production in air-dried tons. (5-1-94)
- f. Other emission data as specified in the approved monitoring program. (5-1-94)

05. Semi-Annual Reporting Requirements. Unless otherwise authorized by the Department, excess emissions data for emissions units covered by Section 820 shall be reported by each mill at the end of each semi- annual calendar period, as follows: (4-5-00)

- a. Excess emissions for the semi-annual report required by Subsection 824.05 shall be defined as periods during which noncondensibles are not treated as required by Section 820. Periods of excess emissions reported under Subsection 824.05 shall not be a violation under Section 820 provided that the time of excess emissions (excluding periods of startup, shutdown, or malfunction) divided by the total process operating time in a semi-annual period does not exceed one percent (1%). (4-5-00)
- b. The total duration of excess emissions during the reporting period (recorded in hours). (4-5-00)
- c. The total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and (4-5-00)
- d. A breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes. (4-5-00)

06. Miscellaneous Reports. Each kraft mill shall furnish, upon request of the Department, such

other pertinent data as the Department may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air pollutants, following procedures set forth in the approved monitoring program.

(5-1-94)

EPA Effective: 2/18/2003

SECTION 58.01.01.825. SPECIAL STUDIES

Special studies, having prior approval of the Department, shall be conducted, and the results thereof submitted to the Department by December, 1972.

01. Areas To Be Included. The studies shall cover the following areas:

- a. TRS Emissions. Evaluation of the emissions of TRS from all other sources within the mill. Other sources mean sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.
- b. Sulfur Dioxide Emissions. Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers.
- c. Water Vapor. Evaluation of water vapor emissions from all sources within the mill.

02. Additional Studies. The Department may require such additional special studies relevant to air pollution and establish completion dates as necessary.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.826. EXCEPTIONS

The emission limits established under Sections 817 through 823 apply to the specific process as described. These emission limits do not apply to open burning, power boilers, or other operations conducted at the site of or ancillary to the kraft pulp mill operation. Such ancillary operations must meet standards established in this chapter.

State Effective: 5/1/94, EPA Effective: 2/18/2003

SECTION 58.01.01.845. RULES FOR CONTROL OF SULFUR OXIDE EMISSIONS FROM SULFURIC ACID PLANTS.

The purpose of Sections 845 through 848 is to establish sulfur oxide emission limits for sulfuric acid plants using elemental sulfur for the production of sulfuric acid.

State Effective: 5/1/94; EPA Effective: 2/18/2003

SECTION 58.01.01.846. EMISSION LIMITS

01. General Restrictions. No person shall allow, suffer, cause or permit the operation of any sulfuric acid plant which emits sulfur oxides into the atmosphere in excess of twenty-eight (28) lbs/ton of one hundred percent (100%) sulfuric acid produced.

02. Averaging Period. For the purposes of Section 846, emissions shall be averaged according to the following, whichever is the lesser period of time:

- a. One (1) complete cycle of operation; or
- b. Three (3) hours of operation representing worst-case conditions for the emissions of sulfur oxide.

State Effective: 4/5/00; EPA Effective: 2/18/2003

SECTION 58.01.01.847. MONITORING AND TESTING

The appropriate test method under Sections 845 through 848 shall be EPA Method 8 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157.

State Effective: 4/5/00; EPA Effective: 2/18/2003

SECTION 58.01.01.848. COMPLIANCE SCHEDULE

Any owner or operator of a source subject to Sections 845 through 848 shall no later than December 31, 1972, submit to the Department a proposed Compliance Schedule that demonstrates compliance as expeditiously as feasible but no later than July 31, 1975.

State Effective: 5/1/94; EPA Effective: 2/18/2003